

SB 176 STAFF MEASURE SUMMARY

Carrier: Rep. Kropf

House Committee On Judiciary

Action Date: 05/25/21

Action: Do Pass.

Vote: 6-2-2-0

Yeas: 6 - Bynum, Dexter, Lewis, Noble, Power, Wallan

Nays: 2 - Morgan, Wilde

Exc: 2 - Helm, Kropf

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 5/13, 5/25

WHAT THE MEASURE DOES:

Creates exceptions to certain privileges in elderly and adult abuse proceedings.

ISSUES DISCUSSED:

- Scope of waiver of privilege limited to mandatory reports of abuse
- Recent Oregon appellate court cases limit admissibility of reports of abuse by medical providers
- Deterrent effect for individuals seeking mental health services if privileged communications involving criminal conduct become admissible

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon statutes provide limitations on the admissibility of certain evidence based on privilege between the parties involved. Examples of privilege include psychotherapist-patient privilege, the physician-patient, and the spousal privilege.

Senate Bill 176 creates exceptions to certain privileges in proceedings involving allegations or reports of elder or adult abuse.